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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,833	02/17/2004	James L. Snider		9130

7590
William L. Kraye
1771 Helen Drive
Pittsburgh, PA 15216

09/27/2004

EXAMINER

CHAMBERS, MICHAEL S

ART UNIT PAPER NUMBER

3711

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,833

Applicant(s)

SNIDER, JAMES L.

Examiner

Mike Chambers

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 3 is objected to because of the following informalities:

In line 2: "second hydraulic" should be – hydraulic –.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Trimble et al. Trimble et al discloses a vertical column (10) an arm pivoted thereon (un-numbered joint near 10 and 11) a crosspiece near the end of said arm (11, fig 1), and upright members attached to the ends of said crosspiece (12,13, fig 1),. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112). The goose neck goal post would be capable of flexing when pulled down at the end of the game by fans. No structure has been provided in the claim language.

Also,

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Claims 1, and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Karkoska. Karkoska discloses a vertical column (10) an arm pivoted thereon (15) a crosspiece near the end of said arm (un-numbered cross brace attached to item 44, fig 1), and upright members attached to the ends of said crosspiece (un-numbered vertical struts attached to cross brace, fig 1),. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 5 : Karkoska discloses means for arresting and maintaining said crosspiece (fig 1, 2).

Also,

Claims 1, 5 and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by Stanford et al. Stanford et al discloses

a vertical column (16) an arm pivoted thereon (44) a crosspiece near the end of said arm (un-numbered cross brace attached to item 44, fig 1), and upright members attached to the ends of said crosspiece (un-numbered vertical struts attached to cross brace, fig 1),. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 5 : Stanford et al discloses means for arresting and maintaining said crosspiece (item 74, fig 1).

As to claim 7 : Stanford et al discloses pneumatic means for moving said arm (item 84, fig 2, 13:24-28).

Also,

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Claims 1, and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Friesen. Friesen discloses

a vertical column (22) an arm pivoted thereon (21) a crosspiece near the end of said arm (un-numbered cross brace attached to item 20, fig 4), and upright members attached to the ends of said crosspiece (16, fig 4),. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 5 : Friesen discloses means for arresting and maintaining said crosspiece (item 38, fig 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karkoska in view of Mahoney et al . Karkoska does not disclose the use of a hydraulic pump to raise and lower the goal. The use of hydraulics is well known in the art. Mahoney discloses the use of a hydraulic jack (fig 5) . It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the hydraulic means of Mahoney with the apparatus of Karkoska in order to permit the device to be more safely and easily used. The use of hydraulics to raise and lower football goal posts is well known in the art, see Gonzalez et al and would not be non-analogous art to one

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of ordinary skill. Mahoney et al discloses the use of an enclosed hydraulic unit (fig 5) . It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the enclosed hydraulic unit with the apparatus in order to provide a more compact and secure goal.

As to claim 3: Mahoney et al discloses the use of a hydraulic cylinder (fig 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the hydraulic cylinder with the apparatus to easily raise and lower the goal.

As to claim 7: Mahoney et al discloses the use of a hydraulic cylinder (fig 5). The device of Mahoney et al and Karkoska would be pivoted pneumatically. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the hydraulic cylinder with the apparatus to easily raise and lower the goal.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karkoska as applied to claim 1 above, and further in view of Official Notice. Official Notice is taken that the mounting of cameras is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have mounted a camera on the unit in order to provide the viewers with a better view of the game.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karkoska in view of Official Notice. Official Notice is taken that the dimensions claimed are well known in the art and are not novel. It would have been obvious to one of ordinary skill in

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the art at the time of the invention to have selected an appropriate extended height in order to be used in college games.

Claims 8 –10, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Karkoska in view of Official Notice. Official Notice is taken that the dimensions claimed are well known in the art and are not novel. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected an appropriate extended height in order to be used in college games.

As to claim 9: It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected an appropriate lowered height in order for the device to be easily transported.

As to claim 10 : Karkoska discloses articulating means (fig 1,2).

As to claim 12: Mahoney et al discloses the use of a hydraulic cylinder (fig 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the hydraulic cylinder with the apparatus to easily raise and lower the goal.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karkoska as applied to claim 8 above, and further in view of Official Notice. Official Notice is taken that the mounting of cameras is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have mounted a camera on the unit in order to provide the viewers with a better view of the game.

Claims 13, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karkoska and Mahoney et al as applied to claim 2 and further in

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view of Official Notice. Official Notice is taken that the use of a rigid control arm in articulating arms is well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several equivalent attachment means based on cost and design considerations.

As to claim 17: Mahoney et al discloses the use of a hydraulic jack (fig 5).

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karkoska in view of Mahoney et al as applied to claim 17 above, and further in view of Official Notice. Official Notice is taken that the use of remote control devices is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to selected any one of several equivalent control means based on cost and design considerations.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karkoska in view of Official Notice. Official Notice is taken that the dimensions claimed are well known in the art and are not novel. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected an appropriate extended height in order to be used in college games.

Allowable Subject Matter

Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 703-306-5516. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3516666*3856302*4412679*4801142*6402644*5
601284*4465277*3981501*3018102*2819547

Michael Chambers
Examiner
Art Unit 3711

September 23, 2004


GREGORY VIDOVICH
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